

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

In re: Miguel Angel Sosa Avila)
)
Debtor.) Case No. **21-50907-FJS**
)
)
) Chapter 13
)
253 Beauregard Heights)
Hampton, VA 23669)
)
Last four digits of SSN: 1639)

**NOTICE OF
MOTION AND HEARING**

The Debtor has filed papers with the Court to Vacate Order of Dismissal.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you want to be heard on this matter, then **on or before twenty-one (21) days from the date of service of this notice**, you or your attorney must:

[X] File with the Court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
600 Granby Street, Room 400
Norfolk, VA 23510-1915

You must also mail a copy to:

Christian D. DeGuzman, Esquire
DeGuzman Law, PLLC
JANAF Building, Fifth Floor
5900 E. Virginia Beach Blvd., Suite 507
Norfolk, VA 23502

Kelly M. Barnhart
Chapter 12/13 Trustee
7021 Harbour View Boulevard, Suite 101
Suffolk, Virginia 23435

- [] Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**
- [X] Attend the hearing on the motion (or objection) scheduled to be held on September 19, 2025 at 10:00 A.M. at Newport News Courtroom, U.S. Courthouse, 2400 West Avenue, Newport News, VA 23607.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: July 15, 2025

/s/ Christian D. DeGuzman
Counsel for the Debtor

CERTIFICATE OF SERVICE

I certify that I, on the 15th day of July, 2025, transmitted a true copy of the foregoing Notice of Motion electronically through the Court's CM/ECF system and/or by first-class mail to the Chapter 13 trustee, the United States trustee, the Debtors and to all creditors and parties in interest on the mailing matrix attached below.

/s/ Christian D. DeGuzman
Christian D. DeGuzman

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

IN RE:

MIGUEL ANGEL SOSA AVILA)
)
Debtor.)

Case No. **21-50907-FJS**
Chapter 13

MOTION TO VACATE
ORDER OF DISMISSAL

To this Honorable Court:

COMES NOW the Debtor, by counsel, and moves this Court to vacate its Order of Dismissal and reinstate his Chapter 13 case, and in support of his motion make the following representations:

1. On December 8, 2021, the Debtor filed a voluntary petition in bankruptcy under Chapter 13 of the Bankruptcy Code.
2. Kelly M. Barnhart is the trustee of the Debtor's case.
3. The Debtor's current Chapter 13 plan, a sixty-month plan filed on April 12, 2024 and confirmed by the Court on May 14, 2014 (the "**Plan**"), provides for payments in the amount of \$781.66 per month for 1 month, then \$2,181.66 per month for 3 months, then \$1,992.72 per month for 23 months, then \$1,055.73 per month for 33 months.
4. The Debtor is currently in Month 43 of 60 of the Plan and to-date has paid in a total of \$66,255.58.
5. On December 3, 2024, the Court entered an Order Settling the Trustee's Motion to Dismiss (the "Consent Order") and therein mandated that the Debtor cure all plan arrears by making cure payments of \$304.40 each month from December 2024 through July 2025 and then one cure payment of \$304.57 in August of 2025 (the "Cure Payments") in addition to payments of \$1,055.73 due pursuant to the Plan.
6. The Debtor has since made all regular Plan payments of \$1,055.73 since entry of the Consent Order; however, due to a misunderstanding with the office of the Debtor's counsel,

he failed to make any of the Cure Payments. Therefore, on July 10, 2024, this Court entered an Order of Dismissal.

7. The Debtor now fully acknowledges that he understands the terms of the Consent Order and very much wishes to cure all Plan arrears and complete the remaining 17 months of the Plan. If the Court would be inclined to grant this Motion, he fully intends to remit the \$3,500.77 needed to cure the plan arrears-*in addition to the regular Plan payments for August and September 2025 of \$1,055.73 each*-within fourteen (14) days from entry of an order granting this Motion. The source of funds for a for the \$3,500.77 cure payment would be from a gift from the Debtor's daughter.

WHEREFORE, the Debtor respectfully requests that this Court vacate its Order of Dismissal and reinstate his Chapter 13 case so that he may cure all Plan arrears and complete his Chapter 13 Plan term, and for such other relief as the Court deems proper.

Date: July 15, 2025

Respectfully submitted,
Miguel Angel Sosa Avila

/s/ Christian D. DeGuzman
Christian D. DeGuzman, Esq.
Counsel for the Debtor

Christian D. DeGuzman, VSB No. 79336
DeGuzman Law, PLLC
JANAF Office Building, Fifth Floor
5900 E. Virginia Beach Blvd., Ste. 507
Norfolk, VA 23502
(757) 333-7336 (phone)
(757) 333-7873 (facsimile)
Counsel for Debtor

CERTIFICATE OF SERVICE

I certify that I, on the 15th day of July, 2025, transmitted a true copy of the foregoing Motion electronically through the Court's CM/ECF system and/or by first-class mail to the Chapter 13 trustee, the United States trustee, the Debtors and to all creditors and parties in interest on the mailing matrix attached below.

/s/ Christian D. DeGuzman
Christian D. DeGuzman

Label Matrix for local noticing
0422-4

Case 21-50907-FJS
Eastern District of Virginia
Newport News
Tue Jul 15 09:10:58 EDT 2025

SELECT PORTFOLIO SERVICING, INC.
BWW Law Group, LLC
8100 Three Chopt Road, Suite 240
Richmond, VA 23229-4833

United States Bankruptcy Court
2400 West Avenue, Suite 110
Newport News, VA 23607-4328

Capital One
Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130-0285

Credence Resource Management, LLC
Attn: Bankruptcy
4222 Trinity Mills Road Suite 260
Dallas, TX 75287-7666

Eliza Sosa
c/o E. Wayne Powell, Esquire
421 Branchway Rd.
N. Chesterfield, VA 23236-3034

Internal Revenue Service
Centralized Insolvency Ops.
Post Office Box 7346
Philadelphia, PA 19101-7346

Midland Funding, LLC
PO Box 98875
Las Vegas, NV 89193-8875

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Select Portfolio Servicing, Inc.
P.O. Box 65250
Salt Lake City, UT 84165-0250

BANK OF AMERICA, N.A.
P.O. Box 31785

TAMPA, FL 33631-3785

U.S. Bank Trust National Association
Robertson, Anschutz, Schneid & Crane LLC
10700 Abbotts Bridge Road, Suite 170
Duluth, GA 30097-8461

Alicia Sosa
253 Beauregard Heights
Hampton, VA 23669-1558

City of Newport News
Office of the Treasurer
PO Box 975
Newport News, VA 23607-0975

(p)CREDIT CONTROL CORPORATION
ATTN CREDIT CONTROL CORPORATION
11821 ROCK LANDING DR
NEWPORT NEWS VA 23606-4225

(p)FAY SERVICING LLC
P O BOX 814609
DALLAS TX 75381-4609

LNVN Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Mr. Cooper
Attn: Bankruptcy
Po Box 619098
Dallas, TX 75261-9098

Robertson, Anschutz, Schneid, Crane &
Partners, PLLC
13010 Morris Road, Suite 450
Alpharetta, GA 30004-2001

Sterling Chambers
112 Beverly Street
Hampton, VA 23669-1925

BANK OF AMERICA, N.A.
BWW Law Group, LLC

8100 Three Chopt Rd, Suite 240
Richmond, VA 23229-4833

Wilmington Savings Fund Society, FSB, not in
BWW Law Group, LLC
8100 Three Chopt Rd, Suite 240
Richmond, VA 23229-4833

Bank of America
Attn: Bankruptcy
4909 Savarese Circle
Tampa, FL 33634-2413

Convergent Outsourcing, Inc.
Attn: Bankruptcy
800 Sw 39th St, Ste 100
Renton, WA 98057-4927

Credit One Bank
Attn: Bankruptcy Department
Po Box 98873
Las Vegas, NV 89193-8873

Hampton Circuit Court
Attn: Civil Division
PO Box 40
Hampton, VA 23669-0040

Linda Bremmer
408 Walnut Street
Hampton, VA 23669-2273

Nationstar Mortgage LLC d/b/a Mr. Cooper
P.O. Box 619096
Dallas, TX 75261-9096

SPS, Inc
Attn: Bankruptcy
PO Box 65250
Salt Lake City, UT 84165-0250

U.S. Bank Trust National Association
Robertson, Anschutz, Schneid, & Crane PL
13010 Morris Rd., Suite 450
Alpharetta, GA 30004-2001

U.S. Bank Trust National Association
 Selene Finance LP
 Attn: BK Dept
 3501 Olympus Blvd, Suite 500
 Dallas, TX 75019-6295

Wilmington Savings Fund Society, FSB et al
 Fay Servicing, LLC
 PO Box 814609
 Dallas, TX 75381-4609

(p)MCCALLA RAYMER LEIBERT PIERCE LLC
 ATTN ATTN WENDY REISS
 1544 OLD ALABAMA ROAD
 ROSWELL GA 30076-2102

Christian D. DeGuzman
 DeGuzman Law, PLLC
 JANAF Office Building
 5900 E. Virginia Beach Blvd.
 Suite 507
 Norfolk, VA 23502-2490

Kelly M. Barnhart
 Chapter 12/13 Trustee
 341 Dial: 866-619-3642 Code: 3054410
 7021 Harbour View Blvd., Suite 101
 Suffolk, VA 23435-2869

Matthew W. Cheney
 Office of the U.S. Trustee, Region 4 -NN
 200 Granby Street, Room 625
 Norfolk, VA 23510-1819

Miguel Angel Sosa Avila
 253 Beaufort Heights
 Hampton, VA 23669-1558

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
 by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Credit Control Corporation
 Attn: Bankruptcy
 Po Box 120570
 Newport News, VA 23612-0000

Fay Servicing LLC
 Attn: Bankruptcy Dept
 Po Box 809441
 Chicago, IL 60680-0000

Portfolio Recovery Associates
 120 Corporate Blvd.
 Norfolk, VA 23502-0000

Wilmington Savings Fund Society, FSB, not in
 c/o McCalla Raymer Leibert Pierce, LLC
 Bankruptcy Department
 1544 Old Alabama Road
 Roswell, GA 30076

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)BANK OF AMERICA, N.A.

(u)Nationstar Mortgage LLC d/b/a Mr. Cooper

(d)Select Portfolio Servicing, Inc.
 BWW Law Group, LLC
 8100 Three Chopt Rd, Suite 240
 Richmond, VA 23229-4833

(u)Wilmington Savings Fund Society, FSB, not

(d)Bank of America, N.A.
 P.O. Box 31785
 Tampa, FL 33631-3785

(u)Johnnie Brickey
 Daphia Drive

(u)Eliza Sosa

End of Label Matrix
 Mailable recipients 36
 Bypassed recipients 7
 Total 43

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

IN RE:

MIGUEL ANGEL SOSA AVILA)
)
Debtor.)

Case No. **21-50907-FJS**
Chapter 13

**ORDER GRANTING MOTION
TO VACATE ORDER OF DISMISSAL**

THIS CAUSE came upon the motion of Miguel Angel Sosa Avila (the “**Debtor**”), by counsel, to vacate the Court’s Order of Dismissal and reinstate his Chapter 13 case (the “**Motion**”), the Court being advised as follows:

1. On December 8, 2021, the Debtor filed a voluntary petition in bankruptcy under Chapter 13 of the Bankruptcy Code.
2. Kelly M. Barnhart is the trustee of the Debtor’s case.
3. The Debtor’s current Chapter 13 plan, a sixty-month plan filed on April 12, 2024 and confirmed by the Court on May 14, 2014 (the “Plan”), provides for payments in the amount of \$781.66 per month for 1 month, then \$2,181.66 per month for 3 months, then \$1,992.72 per month for 23 months, then \$1,055.73 per month for 33 months.
4. The Debtor is currently in Month 43 of 60 of the Plan and to-date has paid in a total of \$66,255.58.
5. On December 3, 2024, the Court entered an Order Settling the Trustee’s Motion to Dismiss (the “Consent Order”) and therein mandated that the Debtor cure all plan arrears by making cure payments of \$304.40 each month from December 2024 through July 2025 and then one

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DeGuzman Law, PLLC
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Norfolk, VA 23502
(757) 333-7336 (phone)
(757) 333-7873 (facsimile)

cure payment of \$304.57 in August of 2025 (the “Cure Payments”) in addition to payments of \$1,055.73 due pursuant to the Plan.

6. The Debtor has since made all regular Plan payments of \$1,055.73 since entry of the Consent Order; however, due to a misunderstanding with the office of the Debtor’s counsel, he failed to make any of the Cure Payments. Therefore, on July 10, 2024, this Court entered an Order of Dismissal.
7. The Debtor now fully acknowledges that he understands the terms of the Consent Order and desires to cure all Plan arrears and complete the remaining 17 months of the Plan. If the Court would be inclined to grant this Motion to Vacate Order of Dismissal, he intends to remit the \$3,500.77 needed to cure the plan arrears, in addition to the regular Plan payments for August and September 2025 of \$1,055.73 each, within fourteen (14) days from entry of an order granting this Motion. The source of funds for a for the \$3,500.77 cure payment would be from a gift from the Debtor’s daughter.

WHEREFORE, it is hereby ORDERED that the Motion is granted, the order dismissing case is vacated and the Debtor’s Chapter 13 case is hereby reinstated so that he may cure his Chapter 13 Plan arrears and continue making Plan payments, and

It is further ORDERED that the Debtor shall remit a payment to the trustee in the amount of 3,500.77-in addition to any regular plan payments which come due prior to entry of this order-within fourteen (14) days from entry of this Order, and

It is further ORDERED, that the Debtor shall remain current on all future Plan payments, and

It is further ORDERED that, if the Debtor fails to comply with the terms of this Order, the Chapter 13 trustee may submit a Dismissal Order, which will be entered by this Court without further notice of opportunity for hearing.

Date: _____

U.S. Bankruptcy Judge

Entered on Docket:_____

I ask for this:

/s/ Christian D. DeGuzman, VSB No. 79336
DeGuzman Law, PLLC
JANAF Office Building, Fifth Floor
5900 E. Virginia Beach Blvd., Ste. 507
Norfolk, VA 23502
(757) 333-7336 (phone)
(757) 333-7873 (facsimile)
Counsel for Debtor

SEEN:

/s/
Kelly M. Barnhart, VSB #65246
Chapter 12/13 Trustee
7021 Harbour View Boulevard, Suite 101
Suffolk, Virginia 23435
(757) 333-4000 (ph)

LOCAL RULE 9022-1(C) CERTIFICATION

COMES NOW the Debtor, by counsel and pursuant to Local Rule 9022-1(C)(1) advises the Court that the foregoing Order has been endorsed by all the necessary parties.

/s/
Christian D. DeGuzman

Parties to receive copies:

Miguel Angel Sosa Avila
253 Beauregard Heights
Hampton, VA 23669

Kelly M. Barnhart
Chapter 12/13 Trustee
7021 Harbour View Boulevard, Suite 101
Suffolk, Virginia 23435